ZONING BOARD OF APPEALS

The hearing on Tuesday, October 1, 2024, is called to order by Chairman Kwiek at 7:00 pm.

Members Present: John Jimenez
Greg Kalinowski
Shawn Pralow
Harry Kwiek
Ron Carey
Robert Schafer, Alternate
Ray Balcerzak, Building Inspector

Also: Phyllis Todoro, Town Atty

Absent: Jim Lembke, Alternate

Appeals Case # 1465 for Michael Accurso of 6081 Clinton Street, Elma, NY who is requesting an area variance to build a house with less than the required side yard setback §144-99 C4, Residential C.

Mr. Michael Accurso was present and explained that he had purchased the lot and thought there would be enough clearance. The builder was present, and Mr. Kwiek asked if he could make the house width smaller.

Mr. Carey asked about the hardship and nature of the land. The builder explained that the lot size was not a hardship and that they could redesign the house. There are three (3) lots available to be built on. The builder commented it would have to be redesigned. The code changed in 1989 from 10' to 20' on each side.

Mr. Pralow asked if the land abuts up to the farm and it does not. It was asked if he could purchase more land on either side, but he does not believe so.

Mr. Jimenez asked about the plans and layout of the house. The majority of the garage sits in front of the living space. Mr. Carey asked what part of the drawing is and it is a third garage. If the third garage is removed, it might meet the code.

Mr. Pralow asked if there was anything above the garage and it might be part of a bedroom.

For the variance was:	Marissa Marrow	–	6061 Clinton Street – 2 houses over
	Mary Jean Kelley	–	6071 Clinton Street
Against the variance was:	Adrian Earsing	–	6091 Clinton Street
	Stephen Ford	–	6141 Clinton Street

Mr. Kwiek asked again if the drawings could be changed, and the owner said "yes".

Mr. Kalinowski made the motion for Appeals Case # 1465 for Michael Accurso of 6081 Clinton Street, Elma, NY who is requesting an area variance to build a house with less than the required side yard setback §144-99 C4, Residential C to be denied.
to deny:

1. A desirable change would be known
2. The benefit can be achieved by another means or a redesign
3. The request is not substantial.
4. The request would have an adverse physical or environmental, no effect initially but with the other lots it could have an effect
5. The alleged is self-created, in effect it can be changed.

Seconded by: Mr. Pralow. Yes: 5. Nays: 0.

Appeals Case # 1466 for David Power of 141 Stolle Road, Elma, NY who is requesting an area variance to build an addition in the front yard with less than the required front setback §144-99 C4, Residential C.

The contractor was present and had a letter. Also, present David Rowe and David Rowe Jr.

Mr. Kwiek asked if they looked at any other alternatives. David Rowe Jr. said it is the terrain that is the major factor.

Mr. Kwiek asked if he could point out which building is in discussion

Mr. Carey asked where the drop-off is; the answer was the left side is where the drop-off is located. The distance is 39' from the corner.

Mr. Jimenez asked for clarification of what is being done and David Rowe Jr. explained everything and that the pole barn is being taken down, so the addition can be built.

Mr. Jimenez asked where the stairs were and how close to the road would be. They should be 50' and it will be 39'. It is the front corner of the house.

Mr. Pralow asked if it could be pushed back to the south and David Rowe Jr. was unsure.
Mr. Kalinowski asked where the addition would be located and used drawings to understand the layout

Mr. Kwiek remarked that no changes could be made.

No one spoke for or against the variance.

Mr. Jimenez made the motion for Appeals Case # 1466 for David Power of 141 Stolle Road, Elma, NY who is requesting an area variance to build an addition in the front yard with less than the required front setback §144-99 C4, Residential to approve with:

1. An undesirable change would not be known
2. The benefit could not be achieved another way, possibly be achieved by removing the garage.
3. The request is not substantial
4. The request would not have an adverse physical or environmental effect.
5. The alleged difficulty is self-created due to adding an addition in this case.

Seconded by: Mr. Carey. Yes: 5. Nays: 0.

Mr. Jimenez made the motion to approve the minutes from the July meeting.
Seconded by Mr. Carey. Yes: 5. Nays: 0.

Mr. Jimenez made the motion at 8:19 to end the meeting. Seconded by Mr. Carey.
Yes: 5. Nays: 0.

Respectfully Submitted,

Kerry Galuski

Kerry Galuski
Zoning Board Secretary